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C O N F I D E N T I A L SECTION 01 OF 02 SARAJEVO 001484

SIPDIS

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(WILLIAMSON, VIBUL-JOLLES), INR (MORIN); NSC (BRAUN); OSD
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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [ICTY](#) [KAWC](#) [KJUS](#) [KCRM](#) [BK](#)
SUBJECT: BOSNIA - SERBS AND CROATS ANGRY OVER DELIC VERDICT

REF: A. 07 SARAJEVO 2316
[B](#). 07 SARAJEVO 1990
[C](#). SARAJEVO 1236
[D](#). SARAJEVO 1476

Classified By: Michael J. Murphy. Reasons 1.4 (B) and (D)

[1](#). (U) SUMMARY: The September 15 decision by the International Tribunal for the former Yugoslavia (ICTY) to acquit Rasim Delic on several charges of murder and cruel treatment and to sentence him to just three years in prison received prominent press coverage in Bosnia. Delic was found guilty on one count of failing to prevent crimes committed by mujahedin against Bosnian Serbs during the 1992-1995 war. Bosnian Serb and Croat politicians blasted ICTY for issuing what they described as a lenient verdict, and cited it as evidence that crimes committed against Serbs and Croats during the war will not be adequately prosecuted. Bosniak (Bosnian Muslim) reactions to the verdict and sentence were subdued. Delic was the former Commander of the Bosnian Army during the 1992-1995 war and the highest ranking Bosniak indicted by ICTY. END SUMMARY.

Delic Convicted of War Crimes

[1](#)2. (U) On September 15, ICTY found Rasim Delic guilty of failing to take the necessary measures to prevent and punish crimes of cruel treatment committed by the El Mujahed Detachment, also known as the mujahedin, against 12 Bosnian Serbs at the Kamenica Camp in July and August 1995; the camp was located in Zavidovic in central Bosnia. Delic was acquitted of three other counts of murder and cruel treatment, including the 1995 deaths of 24 Bosnian Croats in central Bosnia, and the September 1995 killings of 52 Bosnian Serb soldiers detained at Kamenica Camp. The court found that Delic had no reason to know that these crimes were about to be or were committed.

Serb and Croat Political Leaders Express Outrage

[1](#)3. (U) Bosnian Serb politicians reacted swiftly and critically to ICTY's verdict, asserting that it confirmed their long-standing charges that ICTY was biased against Serbs and unprepared to prosecute crimes committed against them by Bosniaks. On September 16, local papers carried statements of Republika Srpska (RS) Prime Minister Milorad Dodik who lamented that "justice for the Serb victims of the war is really unreachable," adding that the verdict "has erased the minimum of our confidence in the impartiality of The Hague Tribunal." On September 17, Serb member of the

Tri-Presidency Nejbosa Radmanovic was quoted in the press as saying that the verdict sends a message that "Bosniaks who kill Serbs and Croats will not be punished." Radmanovic likened Delic's sentence to what one might receive for pick-pocketing or car theft, and expressed hope that Delic's subordinates would also be prosecuted for war crimes. Mladen Ivanic, President of the Party for Democratic Progress, echoed these themes.

14. (U) Representatives of the leading Croat political parties, Croatian Democratic Union BiH (HDZ BiH) and Croatian Democratic Union 1990 (HDZ 1990), accused the ICTY of treating leniently Bosniak war criminals who had committed crimes against Croats. HDZ-1990 issued a press statement predicting that, "in light of all previous trials of senior Bosnia and Herzegovina army commanders" that "those responsible for crimes committed against Croats will go unpunished."

Bosniaks' Reaction: Subdued

15. (U) By contrast, the Bosniak reaction to the verdict was subdued. Sulejman Tihic, President of the Party for Democratic Action (SDA), one of the two leading Bosniak political parties, stated publicly that his party would refrain from passing judgment on the verdict until the appeals process was completed. The Bosniak member of the Tri-Presidency and President of the Party for Bosnia and Herzegovina (SBiH) Haris Silajdzic did not comment on the verdict. Some Bosniak victims groups made comments implying

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that they were relieved Delic had been convicted on only one count and had not received a stiffer sentence.

Comment

16. (C) The reaction to the Delic verdict underscores the continuing ethnic tensions among Bosnia's three main ethnic groups and the continued difficulty each has dealing honestly and responsibly with Bosnia's wartime past. Not surprisingly, Serbs have cited the Delic verdict, like they did the July acquittal (on appeal) of Bosniak wartime commander Naser Oric, as evidence of ICTY's, and by extension the international community's, bias against them. Croats have not figured in the most prominent war crimes cases in recent months, but the Croat community is also extremely sensitive about crimes committed against it by foreign fighters during the war. Bosniak leaders continue to refuse to publicly acknowledge that, while they were most certainly the war's biggest victims, their forces, particularly the mujahedin, committed horrible crimes against Serbs and Croats.
ENGLISH